

Remarks/Arguments

35 U.S.C. §102

Claims 1-13 stand rejected under 35 U.S.C. §102(b) as being anticipated by Maeda (U.S. Patent No. 5,977,976).

It is respectfully submitted that Maeda neither teaches nor suggests a method for generating a displayable menu wherein:

“at least one group of two or more menu buttons is defined in said menu data segment, wherein each of the two or more menu buttons has associated a defined area on the display and each menu button that belongs to a particular menu page is separately rendered,”

or wherein:

“a state is assigned to each separately rendered menu button, the state being “enabled” or “disabled”, wherein only an enabled menu button may be displayed, wherein a button in the “enabled” state may have a further state of “normal,” “selected,” or “activated,” and wherein not more than one menu button within a group may be enabled simultaneously,”

as described in currently amended claim 1.

Maeda discloses the use of an “eye switch” function for controlling a menu visible in a viewer. This “eye switch” function, after being manually enabled, determines a gazing point or line of sight of a user watching the viewer. When it is detected that the viewer is gazing at a particular menu button, that button is selected. This eye-controlled selection method can also be applied to multi-layered menus (col. 8, line 40). In the arrangement of Maeda Figure 5, a dual-layer menu is shown that has higher-level buttons “EFFECTS” and “FADER” and lower-level buttons. One of the higher-level buttons may be selected, using the “eye switch” function. Corresponding to the selected higher-level button, lower-level buttons are visible, and may be selected in the same way as the higher-level buttons.

With regard to button groups, the Office Action asserts “Maeda discloses two separate “menu structures” in fig 5 100b and 100c. Menu structure 100b is rendered upon user selection of “EFFECT” button 102 and reveals menu keys 104, 106 108, etc. Menu structure 100c is rendered upon user selection of “FADER” menu button 103 and reveals menu keys 111, 113, 115, etc.” (Office Action, page 5) The present claims, however, require a group of two or more menu buttons to be defined within the menu data segment (i.e., within the menu data structure). Maeda does not disclose or suggest a menu data structure in accordance with the limitations of the present claims as supported, for instance, by the Specification on pages 23-24. Further, Maeda does not disclose or suggest a group of menu buttons being structurally defined.

The present claims also require that menu buttons within a particular page be separately rendered. (See also Specification, page 2, lines 14-15, “different menu items and buttons of an on-screen menu are rendered separately, not pagewise”). The Examiner appears to argue that menu key 104 and menu key 111 of Maeda Fig. 5 are separately rendered. (Office Action, page 5) However, this is the case because Maeda elements 104 and 111 belong to different menu pages and only one menu page is rendered at any time. Separate rendering of elements 104 and 111 of Maeda does not represent the separate rendering of buttons within a page described by the current claims. Furthermore, since Maeda does not disclose or suggest menu buttons being separately rendered, Maeda also fails to disclose or suggest each button having “associated a defined area on the display,” as also described in the present claims.

Furthermore, in Maeda, an enabled button may have only two different states: unselected or selected. As asserted in the previous response, in the menus of Maeda, it is not possible to select a button without activating it (see, e.g., col. 4, lines 13-15: “when one of the lower-level function menu items is selected, a function assigned to ... the selected ... item is executed”; corresponding examples, e.g., on col. 6, lines 38-39 and col. 10, lines 10-12). As a solution, Maeda uses a two-step confirmation procedure (see col. 12, lines 38-44), which makes the menu structure more complicated, rather than simpler.

The Office Action asserts “Maeda discloses that menu keys 104 and 111 can not be accessed simultaneously since menus 100b and 100c can only be displayed upon selection of either "EFFECT" key 102 or "FADER" key 103, respectively. Therefore, when menu key 104 is displayed, the "state" assigned to it could be interpreted as "enabled;" while the "state" assigned to menu key 111 could be interpreted as "disabled.”” (Office Action, page 5) However, the present specification defines the “enabled” state as being separate from simply being displayed / visible. (Specification, page 8, lines 1-5) Additionally, Maeda fails to disclose that a button in the “enabled” state may have a further state of “normal,” “selected,” or “activated.”

Thus, Maeda does not disclose or suggest that a button group is defined in the menu data structure, as in the present claims, and does not disclose “enabled” and “disabled” states corresponding to the meanings of those terms with regard to the present claims or the additional “normal,” “selected,” or “activated,” states possible for an “enabled” button. Thus, Maeda fails to disclose a method for generating a displayable menu wherein: “at least one group of two or more menu buttons is defined in said menu data segment, wherein each of the two or more menu buttons has associated a defined area on the display and each menu button that belongs to a particular menu page is separately rendered,” or wherein: “a state is assigned to each separately rendered menu button, the state being “enabled” or “disabled”, wherein only an enabled menu button may be displayed, wherein a button in the “enabled” state may have a further state of “normal,” “selected,” or “activated,” and wherein not more than one menu button within a group may be enabled simultaneously,” as described in currently amended claim 1.

In view of the above remarks, it is respectfully submitted that there is no 35 USC 112 enabling disclosure provided by Maeda that makes the present invention as claimed in claim 1 unpatentable. It is also respectfully submitted that independent claims 8, 12, and 13 are allowable for at least the same reasons that claim 1 is allowable. Since dependent claims 2-7, 9-11, and 14-21 are dependent from allowable independent claims 1, 8, and 13, it is submitted that they too are allowable for at least the same reasons that their respective

independent claims are allowable. Thus, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's representative at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,
Jobst Hoerentrup et al.

By: /Reitseng Lin/
Reitseng Lin
Attorney for Applicants
Reg. No. 42,804
Phone (609) 734-6813

Patent Operations
Thomson Licensing LLC
P.O. Box 5312
Princeton, New Jersey 08543-5312
August 13, 2010